

AFFIDAVIT

I, Special Agent Jody S. Barboza, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent (“SA”) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and have been an ATF Agent since August 2003. I am currently assigned to the Charleston Field Office in South Carolina.
2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and empowered by law to conduct investigations and to make arrests for offenses enumerated in Titles 18, 21 and 26 United States Code. As an ATF SA, I have received training in federal firearms and narcotics laws and regulations at the ATF National Academy. I regularly refer to these laws and regulations during the course of my duties. I have received extensive training in federal firearms, explosives and narcotic laws, the identification and operation of firearms and criminal firearm investigations. I have conducted investigations regarding firearms trafficking, violations committed by federal firearm licensees (FFL’s), and those involving the unlawful manufacture, possession and transfer of firearms. I have participated in the use of cooperating informants, undercover agents, pen register/trap and trace devices, video surveillance, wiretaps, GPS tracking devices, and audio surveillance, among other law enforcement techniques, in the course of my career with ATF. Through my investigations, and my training and experience, I have become familiar with the tactics and methods used to illegally traffic, manufacture, transfer, and or possess firearms. Additionally, I have participated in numerous controlled buys of firearms and narcotics from targets of law enforcement investigations. Based on my training and experience, I am familiar with methods used for firearms trafficking and narcotics trafficking. I have conducted investigations into gang members, persons who commit crimes of violence, which include murder, assaults, and extortions, persons who deal in controlled substances, and persons who traffic in firearms and prohibited persons who possess firearms.
3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, investigators, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

PURPOSE OF THE AFFIDAVIT

4. I make this affidavit in support of an application to obtain a search warrant authorizing the collection of a DNA sample from Marquise Dwayne JOHNSON, further described in Attachment A, by collecting oral (buccal) swab samples according to the standard practices

and procedures employed by the ATF for DNA testing. Based on my training and experience, I believe that the requested DNA sample may yield further evidence that JOHNSON engaged in federal crimes in violation of Title 18 U.S.C. Section 922 (g)(1).

5. As set forth herein, there is an ongoing federal investigation in the District of South Carolina by the ATF involving the possession of firearms by JOHNSON, who has been previously convicted of a felony. On July 11, 2020, April 16, 2021, and May 16, 2021, JOHNSON was believed to have been in possession of firearms and ammunition in and around Beaufort County, South Carolina. The investigation into the possession of firearms by a prohibited person is ongoing.
6. The information upon which this affidavit is based includes information obtained by the affiant through investigation, interviews, observations, experience and/or conferring with other law enforcement officers. This affidavit is being submitted for the limited purpose of obtaining a search warrant for DNA evidence. I have not included every fact known to me and/or other law enforcement officers concerning this investigation.

SUMMARY OF INVESTIGATION

7. During the spring of 2021, ATF received information from Beaufort County Sheriff's Office (BCSO) regarding several incidents involving Marquise Dwayne JOHNSON and JOHNSON's possession of firearms and ammunition in and around Beaufort County.
8. On July 11, 2020, a BCSO Deputy on patrol was notified by an off-duty BCSO Deputy that he had just seen JOHNSON, who was wanted by BCSO for questioning regarding an armed robbery, driving a white Dodge Charger. The on-duty BCSO Deputy located the white Dodge Charger on Trask Parkway in the area of Laurel Bay Road. While behind the Dodge Charger, the BCSO Deputy observed the white Dodge Charger make an improper left hand turn on Laurel Bay Road and initiated a traffic stop on the vehicle.
9. The BCSO Deputy approached the vehicle and immediately smelled marijuana coming from inside the vehicle. The BCSO Deputy requested identification from the driver who stated he did not have a driver's license. The BCSO Deputy asked the driver to exit the vehicle and the driver identified himself as Marquise JOHNSON. JOHNSON stated there was marijuana in the cup holder of the vehicle. The BCSO Deputy asked the front seat passenger, identified as Janice Baker, and the rear passenger, identified as Dakari Ayise, to exit the vehicle. The BCSO Deputy then conducted a probable cause search of the vehicle and found a small clear bag of marijuana; a loaded Glock 22, .40 caliber pistol, serial number GSM955, with extended magazine; a Glock .40 caliber magazine; a digital scale, a loaded Taurus G2C, 9mm pistol, serial number ABB306657; a loaded Taurus

magazine; a clear bag of marijuana; a loaded Glock 23, .40 caliber pistol, serial number FZX902, with a 30 round magazine; and a loaded Smith & Wesson M&P 15, .556 rifle, serial number SU01928.

10. All three vehicle occupants were read their Miranda Rights. JOHNSON stated that all the marijuana found in the vehicle was his and that the Glock 23, .40 caliber pistol belonged to his cousin. JOHNSON stated he moved the Glock 23 from under the seat to the bookbag. JOHNSON also acknowledged he is prohibited from possessing firearms.
11. The firearms recovered during the vehicle search were all swabbed and submitted to the BCSO Forensic Services Laboratory for DNA processing. Both JOHNSON and the rear passenger, Ayise, had DNA standards in the BCSO system from a 2017 case. The laboratory report indicated the DNA swabbed from the Glock 23, .40 caliber pistol was a match to JOHNSON's buccal swab and the DNA recovered from the Glock 22, .40 caliber pistol and the Smith & Wesson M&P 15 was a match to Ayise's buccal swab.
12. On April 16, 2021, while conducting a narcotics investigation, Beaufort Police Department Investigators on surveillance observed a hand-to-hand narcotics transaction through the rear bedroom window at 1715 Prince Street, Beaufort. Investigators observed the tall black male involved in the transaction leaving the location in a Honda Accord and followed the vehicle. The vehicle came to an abrupt stop and parked on Bay Street in downtown Beaufort, and the driver exited the vehicle. Investigators approached the driver, identified themselves as police, and engaged in a conversation with the driver identified as JOHNSON. During the conversation, JOHNSON voluntarily, and not requested by Investigators, opened the passenger side door of the vehicle. Investigators immediately smelled raw marijuana emanating from the vehicle. Upon smelling the odor of marijuana, Investigators asked JOHNSON about the drug transaction they had observed but JOHNSON denied purchasing marijuana from 1715 Prince Street.
13. JOHNSON provided Investigators consent to search the vehicle and JOHNSON advised there was marijuana in the cupholder of the vehicle. JOHNSON told Investigators the car belonged to D'ajahnae Jenkins.¹
14. During the search, Investigators recovered marijuana in the cup holder and a loaded Smith & Wesson, 9mm pistol, serial number HLR2882, in the center console. Investigators also recovered an additional loaded 9mm firearm magazine near the ashtray. JOHNSON denied the firearm was his.

¹ The car was in fact registered to Jenkins; a female JOHNSON has been romantically involved with.

15. JOHNSON was arrested without incident. Later that day, recorded jail calls from Beaufort County Detention Center captured JOHNSON telling an unknown female, when he (JOHNSON) observed the police following him, as he pulled over, he placed the firearm into the glove box.²
16. The firearm was swabbed and submitted to the BCSO Forensic Laboratory for DNA processing. This analysis is still pending.
17. On May 16, 2021, BCSO Deputies responded to 33B Katy Circle for an alleged pointing & presenting incident. During the investigation, BCSO Deputies learned the driver of a black Chevy Monte Carlo, later identified as JOHNSON, pointed a firearm at the driver of another vehicle, D'ajahnae Jenkins, while both vehicles were driving on Sea Island Parkway. Jenkins and JOHNSON had been arguing via text message and Jenkins advised JOHNSON pointed the firearm at her while she was following him. Both vehicles pulled over at 33B Katy Circle, the home of an acquaintance of theirs, and Jenkins contacted the police. Jenkins was the sole occupant of the vehicle she was driving. The Monte Carlo was occupied by JOHNSON, Taquaysha Myers and Earl Singleton, Jr.
18. The black Chevy Monte Carlo belonged to Myers, who gave Deputies consent to search the vehicle. During the search, Deputies located a backpack containing a loaded Glock 22 pistol, an additional loaded Glock extended magazine, a small amount of marijuana and THC wax, which was all claimed by Singleton.
19. Also located during the search of the vehicle was a loaded Glock magazine in the passenger door containing seventeen (17) rounds of ammunition, a 30-round magazine containing twenty-four (24) rounds of .223 caliber ammunition between the console and driver's seat, and twenty-four (24) rounds of 9mm ammunition were found in a sock on the driver's seat, occupied by JOHNSON. In the trunk, BCSO Deputies located a backpack, which JOHNSON claimed ownership of, containing a box of ammunition with fifteen (15) rounds of 9mm ammunition. JOHNSON also claimed an additional backpack BCSO Deputies located in the trunk containing a magazine with fifteen (15) rounds of .223 ammunition and a digital scale.
20. JOHNSON was arrested, read his Miranda Rights and stated the bullets were only in his possession because he was taking them to a friend. JOHNSON also stated he knew he was prohibited from possessing a weapon or ammunition.

² No firearm was located in the glove box. The only firearm located was the Smith and Wesson, 9mm pistol found in the center console.

CONCLUSION

21. Based on all the facts and circumstances described above, I believe probable cause exists that JOHNSON was in possession of the Glock 23, .40 caliber pistol, serial number FZX902, on July 11, 2020; a Smith & Wesson, 9mm pistol, serial number HLR2882, on April 16, 2021; and several rounds of ammunition on May 16, 2021. Moreover, I believe that probable cause exists that the collection of a DNA (oral swab) sample from JOHNSON, when compared against the swab samples taken from the two firearms, may yield further evidence that JOHNSON was in possession of these items in violation of Title 18 U.S.C. Section 922 (g)(1).
22. For the above reasons, I respectfully request that a search warrant authorizing ATF to search JOHNSON, as outlined in attachment A to the search warrant, be granted to collect DNA samples from him by obtaining oral swab samples using the standard procedures developed by ATF as described in attachment B.
23. This affidavit has been reviewed by Special Assistant United States Attorney Carra Henderson.

JODY

BARBOZA

Digitally signed by
JODY BARBOZA

Date: 2022.01.03
16:43:51 -05'00'

Jody S. Barboza, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

SWORN TO ME VIA TELEPHONE OR
OTHER RELIABLE ELECTRONIC MEANS
AND SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d) OR 42(d)(3)
AS APPLICABLE

4th day of January , 2022.



Molly H. Cherry
UNITED STATES MAGISTRATE JUDGE